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**IN THE UNITED STATES DISTRICT COURT,
DISTRICT OF UTAH, CENTRAL DIVISION**

EXCITEMENT DIETETICS, LLC, a Utah
limited liability company; and R. WALKER
COMPANIES, LLC,

Plaintiffs,

vs.

WILLIAM PATRICK TILMAN, an individual;
DONALD "SCOTT" STEVENSON, an
individual; TYSON QUICK, an individual;
TYLER QUICK, an individual; and JOHN
DOES 1-20,

Defendants.

DECLARATION OF YOON KIM

Case No. 2:12-cv-00380-RS

Judge Robert J. Shelby

I, Yoon Kim, hereby state as follows:

1. I am the President of Plaintiff Excitement Dietetics, LLC ("**Excitement**").
2. I am also the President of Plaintiff R. Walker Companies, LLC ("**RWC**").
3. Excitement and RWC market products known as "Phenphedrine" and "Apidexin."

4. Excitement and RWC created the terms “Phenphedrine” and “Apidexin” specifically for the purpose of being marks used to sell dietary supplements for weight loss.


5. Excitement’s and RWC’s primary method of marketing Phenphedrine and Apidexin is online marketing.

6. In or about early 2012, I noticed advertisements for unauthorized sales of Phenphedrine on eBay from a user identified as tedious_bear.

7. I alerted my counsel to this unauthorized distribution. My counsel ordered a bottle of “Phenphedrine” from tedious_bear, and I examined and compared photographs of this product to the genuine Phenphedrine marketed by Excitement. Because of differences in packaging, I was able to conclude that the product ordered from tedious_bear was counterfeit.

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

EXECUTED this 13th day of June, 2013.



Yoon Kim